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SIPDIS

E.O. 12958: N/A

TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [BA](#)

SUBJECT: DRAFT LAW TO REGULATE PUBLIC GATHERINGS DRAWS
INTENSE CRITICISM

REF: A. MANAMA 1741

[B](#). MANAMA 1658

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Summary

[1](#)1. (SBU) A draft law on the regulation of public gatherings is drawing intense criticism from civil society and members of parliament alike. The proposed legislation establishes new regulations and bureaucratic hurdles for those seeking to organize public gatherings. Opponents of the measure say it is unconstitutional and represents a reversal of the GOB's reforms in recent years. Interior Minister Shaikh Rashid bin Abdullah Al Khalifa said the proposed law is necessary to protect property, prevent roadblocks, and keep "derogatory slogans" out of demonstrations. Shia Bahrainis, who are more likely than Sunnis to demonstrate, view the draft law as specifically targeting them. Parliament is expected to debate the draft law in the coming weeks. Numerous parliamentarians have stressed they would not pass any law that unjustly restricts freedom of expression or assembly. End Summary.

[1](#)2. (SBU) The GOB presented the draft law governing demonstrations just days after the October 28 "car parade" in support of human rights activist Abdul Hadi Al Khawaja that tied up traffic in Manama for hours. Some 25 people were arrested. The following two nights unidentified youth attacked police vehicles and burned tires in two Shia areas of the island (Ref B). The Interior Minister said the measures in the proposed law are necessary to keep protests free from property damage, roadblocks, and "derogatory slogans."

Provisions of the Draft Law

[1](#)3. (SBU) Under current laws, organizers of a public gathering (defined as any meeting that occurs in a public or private place which does not require an invitation to attend) simply notify the local police station of the event. The proposed legislation, which the government submitted to parliament October 27, requires organizers to apply for permission from the governor of the location where the event will take place, and for the organizers to be residents of that governorate. Hence, anyone organizing a demonstration in front of parliament must be from the Capital governorate. Marches that move from one governorate to another require both governors' and the Interior Ministry's approval. All printed, video or audio materials that will be distributed must be authorized by the governor.

[1](#)4. (SBU) At least three of the organizers must serve on a committee held responsible for demonstration participants who break the law. Anyone who organizes a public gathering without permission faces up to two years in prison, a fine of up to BD1000 (\$2650), or both. The draft law allows governors to delay ruling on an event until two days before the event commences. (Note: Critics argue that this would not give sufficient time to properly advertise gatherings. End Note.) The sentence for participating in an unlicensed demonstration is up to six months in prison, a BD500 (\$1330) fine, or both. Under the draft law, only Bahraini citizens can participate in political protests.

Negative Reactions and Commitments to Amend the Draft

[1](#)5. (SBU) Human rights activists have expressed concern about the discretionary power given to governors under the proposed law and say that existing laws sufficiently regulate public gatherings. National Democratic Action Society board member Ebrahim Alsayed and Nabeel Rajab of the dissolved Bahrain Center for Human Rights have stated publicly that if the law were passed in its current form, activists would "test this law quickly" by holding unauthorized demonstrations and would "make sure the prisons are full of people who break this law." Members of both the Shura Council and the Nuwab have openly vowed that they will approve the draft law only if it

is amended to ensure that the constitutional right to assemble is protected. 37 NGOs and political societies (organized by the opposition group Al Wifaq) drafted a petition rejecting the law and announced plans to propose an alternative law. The Nuwab issued a statement warning that the Constitution prohibits anyone outside of the cabinet and parliament from drafting and proposing legislation.

16. (SBU) According to the Ministry of Interior, the draft law would not affect gatherings that are purely religious, arranged by a government body, or called by official clubs or societies to discuss internal matters (as long as only members attend). However, many fear that under the proposed law governors could easily restrict Shia religious processions, which have always been a contentious issue. Many are also concerned that the proposed law would prove to be a large headache for the hundreds of Bahrainis who hold frequent and informal majlises (discussion sessions) in their homes. The Undersecretary of the Ministry of the Interior, cognizant of the widespread dissatisfaction with the proposed law, met with the Nuwab Foreign Affairs, Defense, and National Security Committee November 28. Members of parliament who participated were positive about the prospects for amending the draft law to achieve a more desirable piece of legislation.

Comment

17. (SBU) Though the draft law has sparked much debate, there seems to be a willingness among relevant parties to find a solution. Numerous members of parliament stressed that they would not pass any law that unjustly restricts freedom of expression or assembly. This issue is also viewed through a sectarian prism: Shia Bahrainis tend to demonstrate far more often than Sunnis (Ref A), and so many view the draft law as specifically targeting them.

18. (SBU) Comment continued: The Ambassador met recently with the Shura Council leadership, which asked him for guidance on how the U.S. handles laws governing demonstrations. We passed to them information gathered by the American Bar Association, which has a MEPI-funded rule of law project in Bahrain.
MONROE